

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

JOHN TOPPINGS, §  
§  
Plaintiff, §  
§  
v. § **CIVIL ACTION NO. 4:17-CV-321**  
§  
§  
MATT BIRCH, MICHELLE MILLER, and §  
CITY OF RENO, TEXAS, §  
§  
§  
Defendants. §

**MEMORANDUM ADOPTING REPORT AND**  
**RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On May 21, 2018, the report of the Magistrate Judge (Dkt. #51) was entered containing proposed findings of fact and recommendations that Defendant Michelle Miller's First Amended Motion to Dismiss (Dkt. #39) and Defendants Matt Birch and City of Reno, Texas's Rule 12(b)(6) Motion to Dismiss Plaintiff's Second Amended Complaint (Dkt. #40) should be **GRANTED** and the case should be **DISMISSED WITH PREJUDICE** in its entirety.

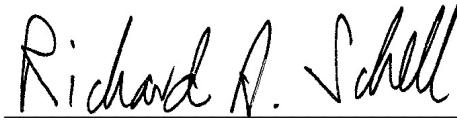
Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, Defendant Michelle Miller's First Amended Motion to Dismiss (Dkt. #39) and Defendants Matt Birch and City of Reno, Texas's Rule 12(b)(6) Motion to Dismiss Plaintiff's Second Amended Complaint (Dkt. #40) are **GRANTED**.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that this entire action, and all of the claims asserted therein, be **DISMISSED WITH PREJUDICE**.

All relief not previously granted is hereby **DENIED**, and the Clerk is directed to **CLOSE** this civil action.

**IT IS SO ORDERED.**

**SIGNED this the 19th day of June, 2018.**

  
RICHARD A. SCELL  
UNITED STATES DISTRICT JUDGE